

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

DAVID MARSHALL, JR.,

Plaintiff,

v.

ORDER

10-cv-357-bbc

BARB RAMBO-HARTLEY, RICHARD GIERS,  
JAMES ALLEN, MICHAEL FLEMING,  
JOHN WAIS and SHARON SHULTZ<sup>1</sup>,

Defendants.

---

On September 13, 2010, this court screened plaintiff's complaint and granted his request for leave to proceed *in forma pauperis* on his claims that defendants violated his Eighth Amendment rights.

The Attorney General's office has accepted service of plaintiff's complaint on behalf of defendants Barb Rambo-Hartley, James Allen, Michael Fleming, John Wais and Sharon Shultz, but *not* on behalf of defendant Richard Giers, who is retired. Therefore, the clerk of court has prepared Marshals Service and summons forms for defendant Richard Giers and is forwarding a copy of plaintiff's complaint and the September 13, 2010 order and the completed forms to the United States Marshals for service on this defendant.

In completing the Marshals Service forms for defendant Giers, the clerk has not provided forwarding addresses because this information is unknown. It will be up to the marshal to make a reasonable effort to locate the defendant by contacting the Department of Corrections or conducting an Internet search of public records for the defendant's current address or both. *See Sellers v. United States*, 902 F.2d 598, 602 (7th Cir. 1990) (once defendant is identified, marshal

---

<sup>1</sup> I have amended the caption to replace "Nurse Barb" or Jane Doe with the name Barb Rambo-Hartley as identified in the Acceptance of Service.

to make reasonable effort to obtain current address). Reasonable efforts do not require the marshal to be a private investigator for civil litigants or to use software available only to law enforcement officers to discover addresses for defendants whose whereabouts are not discoverable through public records.

Also, for plaintiff's information, in *Sellers*, the court of appeals recognized the security concerns that arise when prisoners have access to the personal addresses of former or current prison employees. *Sellers*, 902 F.2d at 602. For this reason, prison employees often take steps to ensure that their personal addresses are not available in public records accessible through the internet. If the Marshal is successful in obtaining the defendant's personal address, he is to maintain that address in confidence rather than reveal it on the service forms, because the forms are filed in the court's public file and mailed to the plaintiff after service is effected.

#### ORDER

IT IS ORDERED that the U.S. Marshal shall make reasonable efforts to locate defendant Richard Giers and, if his efforts are successful, to serve him with a copy of the summons and complaint in this case. If the Marshal is unsuccessful in locating defendant Giers despite making reasonable efforts to locate him, he may file an unexecuted return on which he describes the efforts he made.

Entered this 8<sup>th</sup> day of October, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge